



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

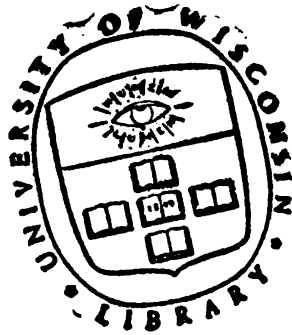
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



N3-N1

University of Wisconsin Library

Manuscript Theses

Unpublished theses submitted for the Master's and Doctor's degrees and deposited in the University of Wisconsin Library are open for inspection, but are to be used only with due regard to the rights of the authors. Bibliographical references may be noted, but passages may be copied only with the permission of the authors, and proper credit must be given in subsequent written or published work. Extensive copying or publication of the thesis in whole or in part requires also the consent of the Dean of the Graduate School of the University of Wisconsin.

This thesis by.....
has been used by the following persons, whose signatures
attest their acceptance of the above restrictions.

A Library which borrows this thesis for use by its
patrons is expected to secure the signature of each user.

NAME AND ADDRESS

DATE

POPULIST LEGISLATION IN KANSAS

by

NANCY ALBAUGH LEATHERWOOD

A Thesis Submitted for Degree of
BACHELOR OF PHILOSOPHY IN PEDAGOGY
In the Philosophical Course

UNIVERSITY OF WISCONSIN

1901

416453
JAN 11 1935
AWM
L4848

PREFACE.

In this thesis no attempt has been made to treat the Political History of the Populist Party. The study has been confined to the party's legislation in Kansas, as an economic movement. An attempt has been made to see if the reforms they attempted were similar to those proposed by other parties and what the effects of their legislation were on the state.

--0--

TABLE OF CONTENTS.

--o--

CHAPTER I.	Page.
CONDITIONS THAT GAVE RISE TO POPULISM.....	1
Making of Mortgages. Voting Bonds. Speculations.	
Panic. Appeal to Government for Aid.	
 CHAPTER II.	
THE POPULIST PARTY, ITS PEOPLE, LEADERS AND PLATFORMS.7	
Sketch of Formation of Party. Discussion of	
the People. Comparison of Populism and Socialism.	
Three Classes of Leaders. Party Platforms.	
 CHAPTER III.	
FINANCIAL LEGISLATION.....	23
Banking Legislation. Insurance Legislation.	
Building and Loan Associations. Trust and	
Loan Companies. Trust Legislation. Tax	
Reform. Economy.	
 CHAPTER IV.	
GOVERNMENTAL AND SOCIAL LEGISLATION.....	40
Offices Made Elective. Police Commission.	
Debt Restrictions. Consolidation of Counties.	
Initiative and Referendum. Civil Service.	

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

II.

CHAPTER V.	Page.
LEGISLATIVE REFORMS IN TRANSPORTATION.....	54
Relief for Shippers. Maximum Freight Legis-	
lation. Court of Visitation.	
 CHAPTER VI.	
WAS POPULISM AN AMERICAN MOVEMENT?.....	67
Similarity Between Conditions of the Plains	
and the North West. Similarity in Financial	
and Transportation Legislation.	
 CHAPTER VII.	
EFFECTS OF POPULISM ON KANSAS.....	73
Effects External and Internal.	
 BIBLIOGRAPHY.....	84

CHAPTER I.

CONDITIONS THAT GAVE RISE TO POPULISM.

In the summer of 1890 the whole interior of the United States was made aware that a new party, which styled itself "The Peoples Party", was being organized. As the strongholds of "Jacksonian Democracy" in 1824 had been the newer states east of the Mississippi, so the great centers of Populism were the newer states west of the Mississippi. While the new party's greatest strength was in the West it found supporters in every state of the Union. When any movement attains such magnitude it must have some real cause.

In Kansas these causes may be classed as general and local. About a generation ago a portion of the "American Desert" was given territorial organization and named Kansas. The buffalo hunter was retiring and the cattle-man succeeded him. When the pioneer converted the hunter's trail into a highway, Kansas was one vast pasture. The emigrants settled in the alluvial valleys of eastern Kansas and the usual pioneer life followed. The only serious interruption being the Civil War and the "Grasshopper Plague", but the state soon rallied from these. During the westward movement, which succeeded the Civil War, thousands of people flocked to

Kansas; attracted by the public land, which offered opportunities for securing homes. The great crops, which Kansas had placed on the market, attracted men from the poorer agricultural regions. The completion of the Pacific Railroad gave an additional impetus to the settlement of the Western part of the state.

Between 1885-92 the great ranchmen were expelled. Sod houses and vast grain fields took the place of the ranches, for the average settler paid little attention to stock raising.

The earlier part of this period was known as "the great crop years". Emigration was accelerated and people of all classes poured into the state. There were those seeking homes and better opportunities for their children; those seeking quick and easily acquired fortunes; and those who were too shiftless to succeed any place. In one respect all were similar - they were poor.

Much of the land of western Kansas was taken under the preemption law and according to this law the settler had to put \$200 worth of improvements on the land, keep his family there six months and when he received the final title pay a fixed sum to the government. These requirements seem reasonable and they were. But in most cases the pioneer was far from the railroad. He had no timber, no coal and no grain save what he bought at the railroad town. The first year the soil produced little, what was raised the farmer needed for

food, feed and seed. If he kept out of debt the first year he was fortunate. When the time came for the final settlement, through the aid of a loan company, he mortgaged the land and paid the government.

When the farmer bought agricultural machinery at prices yielding profits of 50 to 75 per cent to the dealer* and hauled it forty or fifty miles to get it home, he felt that he needed a home market. When he sold his grain at such prices as would yield the shipper 60 to 80 per cent on his investment^o he felt that the great need of the farmer was competition in transportation. Accordingly the pioneer voted bonds for the extention of one railroad and later voted bonds for the construction of another.

Soon after the settler's own dugout was finished another was built for school purposes. After a year or two this building ceased to meet the requirements and bonds were voted for a school house. Thus most of the bonded debt of Kansas was created to secure railroads and build school houses.

With the railroad came the town boomer. Town sites were located; cities were plotted; and town lots sold to local and eastern speculators. Tradesmen rushed to the new towns. Land and loan agents conspired and houses were built with money borrowed on the building to be erected.

*These figures were given by Foutz & Hawthorn of Kingman, Kansas, after they had gone out of business.

^oAscertained by comparing the market reports of Kansas and

All land advanced greatly in price and the farmer increased his mortgage to get money for improvements.* Wild enterprises were undertaken on money borrowed from imprudent investors or agents eager for the commission. In short the speculations of Ohio, Kentucky and Louisiana were repeated.

While speculation was at its height the hot winds came and drouth followed. The shiftless and weak fled with dire stories. All the scenes of the panic of 1837 were repeated. The boomer and the tradesman left. Houses stood unoccupied. Many mortgaged farms were forsaken and Eastern lenders failed to receive the interest due them. The people who stayed had little to sell but much to buy. The interest on mortgages was high, but the prices of farm products were low.

Under such conditions it was inevitable that many of the pioneers must fail. However they struggled on for a time, trying to carry on agriculture in "arid Kansas" just as they had in the North West. All the cowards and weaklings had gone back East to defame the name of Kansas, thus causing the lender to press the harder for his money. The man of courage naturally attempted to extricate himself. "A child of the tenement, an hereditary coward, a beggar by association or a menial by education may be ground lower and lower by the machine of commerce", but the pioneer is a man who has taken his family and left all that civilization offers.

He has done the work, endured the privations and suffering that pioneer life inflicts. When he sees his hopes and aspirations blighted, in spite of his best efforts; when he feels that his children will be in a worse condition than he is, for he knows that society is fast crystalizing, he resists. Being a man above the average in intelligence he resists in true pioneer style - with all his might. Feeling that he has done all in his power, he turns to the government for aid.

The people of the West asked their representatives to do something to relieve them.* But Kansas legislation was run by rings and money or self aggrandizement was the principal consideration of the politician. The people felt sure that much of the state funds was used corruptly. Taxes were high. Railroad rates continued to be unreasonably high and many money lenders refused to loan save through banks. The banks charged 15 per cent interest and required a note to be renewed every thirty days. Nearly everything that the crops brought went to pay the interest and principal of mortgages. About \$10,000,000 left Kansas annually.°

Under these circumstances the people felt themselves trifled with and decided to take the reins of government in their own hands. They were thoroughly tired of the learned politician lately come from the East. They had learned that these gentlemen were not in politics for humanitarian pur-

poses, so the farmer decided that lawyers are rascals and that farmers can make laws for farmers and he extends his sympathies to all people who have a hard struggle for life.

The low prices of 1891-93, which are said to have been due to overproduction, brought about a union of interests in all these aggregated centers and the party passed from state movements to a party looking to national reform. they had experimented a little and saw that the questions were too large for states to successfully handle. They naturally turned to the Federal government for aid, just as Massachusetts* had, when she felt that her life depended on commerce or as Pennsylvania and Ohio had sought aid through tariff acts in 1824 and 1828.

As a result of the wide dissemination of political literature of all kinds the movement, like all reform agitations, became excessive and extravagant. Men who had isms went out West to try them° and now each added his variation to the movement.

-o-

*Taussig's History of Taxation, Ch. III.

°Dr. Turner's Lectures on the Westward Movement.

-oOo-

1

1

1

1

1

1

1

1

1

1

1

CHAPTER II.

THE POPULIST PARTY, ITS PEOPLE, LEADERS AND PLATFORMS.

Some enterprising Kansans, in the year 1887 conceived the idea of uniting the wage earners of their state into labor organizations. As the work was easy and remunerative* they made a great effort to induce as many people as possible to join these societies, which they called "Labor Unions". In the following year some philanthropists began forming the "Farmer's Alliance". The gentlemen who organized these societies, charged the "charter members only \$2.50" but all others had to pay \$5, until twenty members had been initiated. The organizer was to receive \$2.50 for each of the first twenty members. ° After the organization was perfected the farmers made fees to suit themselves.

The object of the Alliance was to organize the farmers of each township, for the purpose of procuring goods cheaper by dealing directly with wholesale houses.

The Alliance was to have an educational significance. Papers and reports were to be presented at the meetings on investigations and experiments in agriculture and kindred

-0-

*Mrs. Lease began her public career in this work in an attempt to support her family.

°This information is taken from the minutes of the "Alliance" of White Township, Kingman County, Kansas.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

industries, besides there was to be a county lecturer.

The Alliances ordered goods and they got some articles much cheaper than they could have procured the same commodities from the local dealers. From that hour the middlemen lost favor in their sight.

The lecturers called meetings of the representatives from the various Alliances, for the discussion of topics of interest to farmers. It was only a step farther to propose that farmers support farmers for county offices. Conventions were called for Alliances and Labor Unions not as formal organizations, but for such members as wished to attend.* A ticket called the Union Labor ticket was put in the field.

Many men regarded this as the most effective means of breaking up the county rings. But 1888 ~~was~~ the year for presidential election and few men could bring themselves to scratch their tickets. Past sins were forgiven and only a few Union Labor candidates were elected. These were for minor offices and in most cases, the candidate had been indorsed by one or the other of the old parties.

The establishment of the Alliance stores and mills revealed the large profits made by merchants and millers. Besides the Alliances had learned something of the real railroad rates.°

*Wichita Eagle, August 1888.

°See table on page 58.

These things tended to unite the farmers more closely.

Cholera had swept away thousands of dollars worth of hogs and corn sold for 12 and 15 cents per bushel. The farmer was discouraged and reading Alliance literature helped to give direction to his ideas.

In the early spring of 1890 many a man, who proudly traced his political lineage to Federalism or Jeffersonian Republicanism, asked himself if he should violate family tradition and join the new party. But after the Cincinnati Platform came out the question was decided. The State Alliance called for a state convention. A ticket was put in the field which like the National ticket was called the Peoples Party.

The state Alliance assessed each alliance forty cents per capita for a campaign fund. Then came the separation of the sheep from the goats. The Alliance had become a political organization and each society a center of Populism.

In the fall election the Populists carried the lower House of the Kansas Legislature, but as the Senate and Governor were Republican they accomplished little.* Had they controlled both houses and the executive they would not have accomplished much as Populists, for as yet they were Democrats and Republicans with distorted ideas. However by 1892 the demagogue and economic conditions had united to

produce the genuine Populist and in the November election they secured the Senate and Governor, lacking only seven of having a majority in the House.*

In order to understand the party and its legislation it is necessary to know the people. In the first place the Populists are pioneers or "comeouters". They came to Kansas for one of two reasons, first to make their fortunes or second, to support a principle.° Most of them came from the North West, bringing with them its ideals of life and methods of agriculture. With Yankee determination they tried to work against the decrees of nature and change stock and wheat raising counties into another North West. They have the cardinal virtues of the New Englander but they resist all attempts to encroach on their free developement with the heat of a Southerner.

We are constantly confronted by the question, "Was the Populist a socialist and if he was a socialist was it from European influence?" In considering this question it is necessary to bear in mind that Populism is a product of social and economic conditions and that its original centers are a thousand miles inland, where a foreigner is rarely seen

-0-

*Report of Secy. of State, 1892.

°William Allen White in Forum, March 1897.

Per cent of the total population of Kansas born in other states. Census Reports 1890.

Ill. 10.78	Ohio 9.12	Ind. 7.67	Mo. 6.57
Ia. 5.17	Pa. 4.85	N. Y. 3.18	Ky. 3.11
Tenn. 1.4	Va. 1.33	Wis. 1.10	Mich. 1.08
Neb. .87	Other States 5.07		

save those who come as home seekers. On an examination of the county votes we find that those counties having the largest foreign population gave the largest Republican majorities.* Besides there is very little foreign literature read by the farming class.

The Social[^] party consists of the wage earners and non-owners of the city. The conditions of European industry gave rise to European socialism. The social democrat wishes to weaken and limit the powers of the government. He sees the cooperation in production and says there should be cooperation in distribution, that legislation and custom have not kept pace with industrial developement. He considers the trusts and monopolies a stage in the evolution of socialism, hence he does not fight them but welcomes them. The Populist would enlarge the powers of the government and increase its activities. He fights the trusts and monopolies and regards them as the result of degeneration. "Much legislation is designed to build up private industry. Naturally all this is rejected by" by both Socialist^o and Populist. Bonuses given for the establishment of monopolies are anti-socialistic. But the Populist would place a bounty on sugar manufactured in his state or would aid irrigation plants.ø

*See table on page 11' at close of chapter.
øDr. Ely's Socialism and Social Reform. p. 27.
øSenate Journal of Kansas, 1893.

Democratic socialism implies a struggle of classes and the final emancipation of the wage earner in opposition to all other classes. The Populist sympathizes with the wage earner - any place except on the farm - but he is striving for the small land owner of the plains. It seems quite evident that there is little similarity between the Populist and the Social Democrat. But there is some resemblance between the State Social Party of Germany and the Populist. Bismark who was one of the greatest leaders of the State Socialists extended the activities of the government in the industrial field, but only changed the state in minor details. The Populist would like to see the government assume control or even own the means of transportation. But he has no desire to have the land or any capital except that of the millionaire controlled by the government.* We cannot consider the Populist a devotee of European socialism. It is even doubtful whether he was a real socialist of any kind. Dr. Ely defines socialism as follows: "Socialism is that contemplated system of industrial society which proposes the abolition of private property in the great material instruments of production, and the substitution therefor of collective property; and advocates the collective management of production, together with the distribution of social income by society, and private property in the larger proportion of this social income."

The Populists as a class do not believe in general collective ownership and distribution. The socialist does not believe in bank notes nor does the populist. The former does not believe in pensions* but the latter does.

Dr. Wiscott says: "The aim of socialism is the fulfillment of service: the aim of individualism is the attainment of some personal advantage - riches, place, or fame. Socialism seeks such an organization of life as shall secure for every one the most complete developement of his powers; individualism seeks primarily the satisfaction of the particular wants of each one in the hope that the pursuit of private interests will in the end secure public welfare."° According to the above the populist is an individualist. The following extract from Governor Luelling's inaugural address gives his idea of the relation of the citizen to the state. "The state is greater than the party but the citizen is greater than the state, while the family which the citizen produces is the priceless jewel of civilization. The problem of today is how to make the state subservient to the individual rather than to become his master."¶ While the populist is an individualist he has some socialistic ideas, which are probably the result of the industrial evolution. Mr. McVey comes nearer the truth than any other writer on populism. He says: "There are

-0-

*Dr. Ely's Socialism and Social Reform. p. 27.

°Socialism and Social Reform. p. 19.

¶St. Louis Republic, January 5, 1893.

three classes in the West first the socialists, second those who fear the word socialist. To this class belong many farmers, business and professional men, who believe in government ownership and extension of government activities. The third class denounce socialism but are paternalists."* That we should find many paternalists in the West is natural, for many of the settlers were soldiers. These men had spent the best years of their lives in the government's service and it had been their paymaster for several years.° The policy of the government by its land grants and the homestead laws had encouraged this attitude.

The question is often asked were the populists the ignorant masses? The census reports show the Kansan to be above the average American in intelligence and the school statistics bear out this conclusion.∫ The populists are people untrained in economic theories trying to solve great industrial problems. Mr. White says, that it is the universality of education that gives to populism its picturesqueness.Ⓢ"It is a people resisting the force of natural circumstances and civilized conditions."

The honesty of the populist laymen in their belief is shown by the readiness with which they turn out officers,

-0-

*McVeyin Economic Studies, Vol. I: 148.

°In 1892 Kansas had 50627 soldiers, Pension Records.

∫Census Report for 1890 and Report of Commissioner of Ed. 1898.

ⓈForum, March 1897.

whom they believe to be corrupt and the unsparing censure of the populist press. The following illustrates the way in which they faced facts, "The defeat of 1894 was due to the corrupt politicians who overinfluenced the Governor and got into office. They brought disgrace on the state and party". This appeared in the Spirit of the Age and was quoted in numerous other papers.*

When we come to consider the party leaders, we find less uniformity. There were pioneers who were shrewd enough to see the tendencies, and become advocates of the party principles. Some of these men honestly believed that the party could and would remedy the existing evils:° many of them were conservative sensible men. There was another class whom we may call office seekers. They distorted the truth and played upon the prejudices of the people. It was this class who tried to array the people against capital and preached that the rights of the user are paramount to the rights of the owner. As a general thing these men had been unsuccessful politicians in the old parties . That they were not ignorant is shown in their campaign speeches by the skill with which they often avoided the truth/ or played on local disaffection. When they went to the districts where the

-o-

*Star and Kansas, December 20, 1895.

°Council Grove Republican, August 17, 1900.

/In the campaign of 1894 Mr. Gaines candidate for Supt. of Pub. Instruction, clipped congressional speeches so as to prove the populist doctrines. Rice County Eagle, Sept. 23, '94.

salt industry had been abandoned on account of the salt combine, they talked against trusts. When they spoke in counties having a large number of shippers, the stock yard companies were arraigned.*

That these men cared only for self aggrandizement is shown in many ways and may be illustrated by what was known as the "state printer deal" of 1897, when a man who wanted to be elected to the United States Senate, cast aside all consideration for past services rendered by his leading editor constituent. For the pledged support of the eastern Kansas populists he threw his influence to an eastern Kansas editor,^o thus defeating his own constituent for the state printership.

The populist politicians plead eloquently that the office should seek the man and not the man the office, but they never adhered to the doctrine. In the Abilene Convention the contest between Luelling and Harris was so heated that a compromise had to be made and Leedy was nominated for governor. It is amusing to see in each populist county paper the announcement of thirteen or fourteen candidates whom it seems the office of sheriff was seeking.ø

There was a third class of leaders, who rarely got of-

-o-

*Hutchinson News, September 25, 1897.

oKansas City Star, January 18, 1897. June 20, 1898.

øKingman Journal, Rice County Eagle, Aug. and Sept. 1896.

fices but always wanted them. The second and third class of leaders with the aid of the press gave to the party its radicalism and each class added its coloring to the party platforms.

If one should turn to the populists platforms for promises he would be greatly disappointed for most of them contain few promises. The demagogue told his audiences that all power lay with the people and for them to cease supplicating, so the populist did. In his platform, after a recital of some real conditions put under the red light, and many unreal conditions, and a little desertation on "The Crime of '73", he proceeds to demand.

The St. Louis Platform of 1890 made eight demands. They were as follows: (1) free coinage of silver, (2) abolition of national banks and sub-treasury instead, (3) income tax, (4) paper money, (5) government control of railroads, (6) non ownership of land by foreigners and limitating state and national revenues to expenditures, (7) eight hour day for labor, (8) universal suffrage and popular election of senators, president and vice-president.*

In the Omaha Platform of 1892 there were thirteen demands.* It added a graduated income tax and changed from

-o-

*McVey Economic Studies, Vol. I.

*New York Times and Omaha Bee, July 1, 2, 3, 4, 5, 1892.

the control to ownership of railroads. Postal banks were added and pensions favored, and prohibition of immigration under contract demanded. There is a gradual increase in demands, but it is evident that part of them are thrown in by politicians to catch votes, for what does the Kansas or Nebraska farmer care whether labor is brought in under contract or not? He is vigorously opposed to the eight hour day, for his laboreres must work from twelve to fifteen hours a day during the harvest season. However the Omaha Platform is the Kansas populist's koran. It represented the days of the party's unity and purity.

But the Kansas populist's own ideas of national issues are best set forth in the resolutions of the convention which nominated presidential delegates in 1896. They are in substance as follows: (1) They invite the union of all reformers, oppose the gold standard and European level of prices. (2) They favor the strictest economy in the administration of government. (3) They favor "the overthrow and destruction of all monopolies and combines organized for the plunder and oppression of the people". (4) They demand "strict and effective control over all persons and corporations performing public or quasi-public functions and if necessary to protect the interests of the public ownership by the government of public utilities." (5) They demand "that the President and Secretary of the Treasury be prohibited from the issue or

selling of bonds without the authority of Congress being first given to each separate issue". (6) They demand the free and unlimited coinage of silver and gold at the ratio of sixteen to one, independent of other nations for they believe that the United States is capable of maintaining such a system. (7) They demand that the constitutional trial by jury be extended . to every form of action, whether civil or criminal and they denounce trial of citizens by contempt proceedings without the right of trial by jury.*

Here is the old frontier cry for more and cheap money. We also see the desire to limit the sphere of the courts. The populist had state issues as well as national and in the state platform adopted in 1894 we find both. There is a certain moderation in the platform of 96 which is lacking in 94. It may be the result of a little more meditation on the part of the people or it may be that the leaders knew the people did not sanction such excesses as the platform of 94 contained. They reaffirmed their allegiance in this platform to the Omaha Platform. "Our sympathies go out to the unemployed, homeless, landless people of the country, who have been to a great extent brought to their present condition by the vicious, un-American financial policy of the government."

(1) They demand the free and unlimited coinage of silver at the rate of sixteen to one. (2) They condemn the national banks and demand banks of deposit, under the control of the

-0-

*Star in Kansas, June 12, 1896.

depositors and the deposits guaranteed by the government of the United States. They opposed interest bearing government bonds and demanded instead full legal tender treasury notes to meet the needs of the government. National and state boards of arbitration are demanded for the settlement of differences between employers and employed and they ask for shorter labor days. (3) They demanded a service pension graded so that the private should receive the same consideration as the officer. (4) They favored a state irrigation department. (5) They demanded a freight rate bill based on the Senate bill of 93. (6) They demanded woman suffrage.*

The resolutions adopted at the Congressional convention which nominated Mr. Botkin for Congress in 1894, adds a few peculiarities. They demand the retirement of the bank currency and government ownership of telegraphs. They demand perfect equality before the law for all men without distinction of race, wealth, position, religion or conviction. They state that they see with alarm the encroachments of the courts and denounce the decision which declared the anti-screen law of 1893 unconstitutional. They also demand the foreclosure of the mortgage on the Pacific railroad.°

The populist party made some promises in fact their campaign orators made many promises. In 1892 they promised a

*Star in Kansas, June 15, 1894.

°Star in Kansas, September 28, 1894.

maximum freight law, a state school tax, state school text books, protection to grain shippers, a law relating to the health of minors, lower rates of interest, change in the franchise law, and all state affairs to be run with economy.* The Republicans who controlled the lower House favored some of these measures but they and the populists differed as to methods, so the promises were all carried over to 1896.°

In the state platforms we can trace every plank to a local cause and every promise to a local need, real or imaginary. The opposition to the bond issue of 1894 for the recruiting of the gold reserve was natural to a people, wanting cheap money. They desired economic reform. They were not interested in political questions and did not attempt to deal with them. One writer says they had the merit of recognizing that the great questions of today are industrial. When the trained and able men of the old parties would not attempt to solve them the untrained men had to. As Jacksonian Democracy was a declaration of the common people on political questions, so populism was the common people of the frontier declaring themselves on economic questions.¶

The populist was not a loose constructionist or a close constructionist, he was like the Jacksonian Democrat in this,

-o-

*Kingman Leader Courier, November 27, 1894.

°Topeka Capital, October 3, 1898. Star in Kansas, May 16, 1894.

¶Dr. Ely's Lectures.

he thinks that the government ought to do every thing he wants it to and not to do anything he does not want it to do.

There are inconsistencies in their demands and promises and there is no evidence of a carefully worked system. But what reform party has a uniform policy at first? The platforms show plainly that the party is one of experimenters and the work of the politician is evident. The rank and file of the party felt that when the existing methods of dealing with economic questions or rather not handling them at all, had produced such unfortunate conditions, that an opposite course must result better. Hence they took the negative side of all existing conditions. The farmer of the plains has little time to reason about society as a whole, what he wants is an adjustment of his own case and since he thinks that economic questions are at the base of the whole trouble, the entire aim of the party becomes economic reform.

Table showing the Populist and Republican majorities in 1894 in the counties of Kansas organized since 1870 together with the foreign population.

County.	Pop. in '94.	---o--- Majority in election 94.		Foreign Pop.
		Pop.	Rep.	
Barber	5753	24		393
Barton	13448		246	2547
Chatauqua	10568		241	233
Chetenne	5044		75	540
Clark	1724	2		71
Comanche	1720	9		87
Cowley	30490		617	1190
Decanter	7759	229		841
Edwards	3320	113		377
Elk	10183		52	416
Finney	3553		238	200
Ford	5096		88	536
Gove	2368		70	305
Graham	4066	7		355
Grant	771		19	82
Gray	1503		75	101
Greeley	1321		94	100
Hamilton	1735		94	140
Harper	10452	71		746

County.	Pop. in 1894.	Majority in election 94.		Foreign Pop.
		Pop.	Rep.	
Harvey	16600		851	2885
Haskell	831		60	51
Hodgeman	2172		135	279
Jewel	17468	5		1128
Kearney	1214		172	132
Kingman	10091	43		642
Kiowa	2750	6		180
Lane	1793		46	124
Lincoln	9294	183		813
Logan	2603		84	423
McPherson	21359		687	5758
Mead	2025		59	139
Mitchell	13936	116		1000
Morton	457		30	75
Ness	4501	78		373
Norton	9711		25	548
Osborne	11196	107		864
Pawnee	5144	48		406
Phillips	13067		1	1125
Pratt	7509	52		337
Rawlins	6217	54		1056
Reno	26066		999	2836
Rice	13874		304	1369

County	Pop. in 1894	Majority in election 94.		Foreign Pop.
		Pop.	Rep.	
Rooks	7159	15		589
Rush	5150	14		839
Russell	7250		457	1372
Scott	1169	35		65
Sedgwick	39043		1011	3897
Seward	826		19	85
Sherman	3281	77		302
Sheridan	3141		6	517
Smith	14469	430		849
Stafford	8688	218		380
Stanton	772		39	174
Stevens	797	42		74
Sumner	27126		347	1857
Thomas	4415	88		400
Trego	2481		59	538
Wallace	2483		97	488
Wichita	1667		38	132

-oOo-

*In 1893 and 1897 these counties were the strongest Populist counties in the state.

CHAPTER III.

FINANCIAL LEGISLATION.

In a new country there is always a lack of capital for improvement. And when it can not be borrowed and prices of farm commodities scarcely cover the actual cost of production,* it seems to the farmer that money is scarce and that its volume should be increased. He inevitably turns to paper money as the remedy. For government bonds, placed in the hands of the United States Treasurer, the government permits National banks to issue currency. The Populist thought the matter over and concluded that his farm would be as good security as the bonds deposited by the banker.

The banks charged 12 per cent interest regularly and often according to the usury method 18 to 20 per cent. The borrower felt that the National banks were a means of fostering a special class.° So the Populist demanded government issue of money and the sub-treasury scheme was formed, by which the National bank method was to be applied to the individual. The impracticability of the scheme soon appealed

-0-

Quotation of markets in the Wichita Eagle, July and August 1892.

°Star in Kansas, November 23, 1894.

to the farmers and they sought other means of accomplishing the same end. The "Massachusetts Land Bank" which their forefathers had tried seemed little better, so they settled on free silver, goverment issue of paper money* and plenty of it.

The State Legislature could not fulfill either of these demands but the Kansas Legislature decided to do all in its power to relieve the financial stress. By their legislation they attempted two things; to do every thing possible to increase the borrowing fund by a careful treatment of the financial means; and use economy in all public affairs and prevent the creation of new public debts.

The first of these might be accomplished in several ways. In the first place they proposed to place as much money as possible at the disposal of industry. In 1893 Mr. Dennison introduced a bill, which embodied Gov. Luelling's loan policy.° It provided for "A Land Loan Commission" to loan the State School Fund at 5 per cent on farms and lots, in counties which had been organized for ten years or towns having 1500 inhabitants. The county commissioners were to constitute a board, to determine the advisability of making loans in their counties. In 1897 Gov. Leedy proposed similar legislation, only he included the University, Normal

-o-

*They cite the fact that currency has carried the Nation through every great crisis. Star in Kansas, June 15, 1894.
°Senate Bill No. 2, 1893. St. Louis Republic Jan. 20, 1893.

School and Agricultural College funds, and to secure the funds thus loaned by state appropriations. But the legislators seemed to feel that the six and a half million dollars of educational funds could be more prudently invested.*

In 1897 Senator Campbell introduced a bill authorizing county treasurers to issue notes for the employment of idle labor and "other purposes". These notes were to be redeemed by the state of Kansas. The phrase "other purposes" is the interesting part of this bill.° It was thought that these notes might also be loaned to citizens.

Another method proposed in 1897 for putting money in circulation, was to invest the sinking funds for railroad bonds in county, township, city, and school securities. °A law was enacted in 1897 permitting county treasurers to place all county money in banks.✓ All these attempts carried out the thought of the platform, that the greatest need of the times was a greater circulating medium. But they gave little relief. It was evident that banks were necessary and as the Populist disliked National banks he turned to state banks.

Until 1891 Kansas had no banking law,@ hence hundreds of institutions of various kinds sprang up, all of which pretended to do banking business. Many of these alleged banks

-0-

*Senate Journals 1893 and 1897.

°Senate Journal 1897. Topeka Capital, and Topeka Advocate January, 19, 1897.

°House Journal 1897.

✓Session Laws Chap. 94, 1897.

@Report of Bank Commissioner, 1893, P.2.

had their entire capital and deposits invested in unsalable land and securities. The panic of 1893 affected banks more than any other business institutions. In Kansas many banks and other institutions doing banking business failed. Frequently depositors were unable to collect any thing. The Bank Commissioner recommended that the law be so amended, as to place banking on a firmer basis and prevent the use of deposits for speculation.* Often firms invested their entire capital in a building and fixtures, depending on deposits and loans for a business capital. Some banks invested their reserve fund in the stock of another banking institution thus the same capital would be used for several banks.

To remedy these evils an amendment was passed, which provided that no more than one-third of the firm's capital could be invested in building and fixtures. To prevent speculation the banks could not engage in commerce or trade, nor could their funds be invested in bank or surety companies' stock. To prevent speculation in land the banks were prohibited from bidding more than the amount necessary to cover the debts due them and costs at the time of sale. The title to the land could not be held for more than five years, nor could more than 50 per cent of the paid up capital be invested in real estate at any time. Another restriction provided

that the total investments of any bank organized under this act should not exceed four times the paid up capital and surplus.* This clause caused some opposition for no other state in the Union had such a limit.° To prevent the use of firm money for private purposes it became a misdemeanor to draw capital out for any other use than the banking business.

This law was drafted, largely, according to the recommendations of Bank Commissioner Breidenthal and is one of the best laws that the Populists passed. But it made no provision for the control of private banks and Mr. Breidenthal considered this a serious defect. He wanted all the property of a private banker to be made liable for the debts of the bank and all assets of the bank to be payable to the institution and not the owner.¢

In the extra session of 1898 a bill known as the "Breidenthal Bill" was introduced. This bill provided for the control of private banks and a guarantee fund.® That portion of the reserve fund equal to 5 per cent of the deposits was to be placed in the hands of the State Treasurer. It was to continue the property of the bank. The State Treasurer was to loan these funds in sums not to exceed \$10000, at an interest of $2\frac{1}{2}$ per cent.

-o-

*Session Laws, 1897, Chap. 47.

°Report of Bank Commissioner, 1897, p. 8.

¢Report of Bank Commissioner, 1893, 97, & 1898.

®Report of Bank Commissioner, 1898, p. 16.

In case of a failure the receiver was to examine claims and settle all that he could within sixty days, after that time the approved claims were to be paid by the State Treasurer from the bank's fund, when that was exhausted the interest of the various funds might be drawn upon. In case that was not sufficient the funds themselves might be used until all claims, save those of stockholders, had been paid. The assets of the bank were to be turned over to replete the funds and interest. If the assets were not sufficient the stockholders were to be liable.* This bill called forth some of the fiercest discussions of the session and was defeated by the Leedy faction.°

While there was more said about the financial disturbances caused by bank failures than any other class of business they really added less to the panic than the building and loan associations did. Gradually these institutions had departed from their original design and enlarged their scope, so as to become the depository, in many places, for the surplus earnings of all classes.° Many Kansas people invested in what were called National Associations. Of course they knew nothing of the real financial condition of these companies, and when the company failed, as many of them did, investors and depositors alike lost heavily. A bill was introduced in

-0-

*Report of Bank Commissioner, 1898, p. 16.

°Topeka Capital, December 28, 1898.

°Report of Bank Commissioner, 1893, p. 21.

1897 which provided that each association should maintain an office in the state and deposit securities with the State Treasurer for the protection of the investors. But it never became a law.

Real estate is usually considered good security, so Loan and Trust companies were formed for the purpose of making investments in land or for loaning money on it. Kansas needed money and offered a good field for investment. While the number of these companies was small they did business on sound principles, but the large profits and the magnitude of the business caused the number to increase rapidly. Many Trust companies were organized by men wholly unfitted for the work, "while others were formed, to judge from their manner of transacting business, for the purpose of robbing their customers at each end of the line."*

Companies pretending to have \$50000 to \$100000, probably not having 10 per cent of it paid up, guaranteed the interest and principle for millions of dollars worth of securities, which were often disposed of through gross misrepresentations as to the value of the securities and the standing of the company. When the time for payment came the trouble began. The Bank Commissioner says; every day reveals new crookedness in the transactions of these companies and the lists of "Eastern creditors, who have been robbed by these institutions

has been augmented to a small army and they believe that the state is peopled by a class of consciencless rascals, whose sole purpose is to pray upon the people of the East."* The interest and principle of loans were usually made payable at the office of the company making the loan. Thus thousands of dollars were collected at these offices and never turned over to the Eastern creditor. One company alone which failed had collected and kept over \$375000.°

Another practice resorted to was to procure mortgages for the purpose of paying matured loans and then failing to pay the old mortgage, dispose of the new one. Often abstracts were forged to show that the mortgage was the only one existing. Thus both the maker and the holder of the mortgage were swindled. Such transactions of one company amounted to almost \$100000.¢ This was not all much of the stock of these companies was sold in the East and when the company failed the investor not only lost the money paid but had to pay the legal liabilities of a stock holder.@

These companies did much to give Kansas its bad reputation and to prevent the evils and restore credit the Populists enacted a law compelling all such companies to incorporate under the corporation law. They established a charter board, whose duty it was to carefully examine the financial con-

-0-

*°Report of Bank Commissioner, 1893, p. 21. Also 1897.
¢@Report of Bank Commissioner, 1893, p. 22.

dition and purposes of corporations before granting charters and they made annual reports compulsory.* Another act provided that to be valid, all assignments of mortgages had to be registered, in the county where the mortgaged property was located.°

Among all the financial questions none was more vexing to the Populists than insurance. They believed in it and did not want to discourage the business, yet they wanted to keep the money in the state, which it took out. Insurance companies took millions of dollars each year from the state and the claims paid were disproportionately small.ø A law of 1893 provided for the investment of 50 per cent of the Kansas earnings in the securities of that state.@

-0-

*Session laws, 1898, Chap. 10.

°Session Laws, 1897, Chap. 160.

@Session Laws, 1893, Chap. 101.

ø

---0---

Insurance.

Life and Miscellaneous.

Fire Insurance.

Year	Premiums.	Losses Paid.	Year.	Premiums.	Losses Paid.
1890	\$1262892	\$367127	1890	\$1801994	\$984302
1891	#952555	\$339602	1891	\$1792647	\$857557
1892	\$1340938	\$343850	1892	\$2028184	\$1011486
1893	\$1421789	\$611652	1893	\$1850619	\$922223
1894	\$1490689	\$551125	1894	\$1832212	\$1039361
1895	\$1410717	\$539098	1895	\$1603275	\$1137532
1896	\$1425418	\$406530	1896	\$1544176	\$889913
1897	\$1260079	\$401541	1897	\$1586104	\$578667

-0-

Since 1871 premiums collected by foreign companies \$46178850

Since 1871 losses paid by foreign companies \$21593625

Difference \$26585225

Report of the Insurance Commissioner, 1898, p. 35.

Many insurance companies contested claims and tried to prove that the value of the property was not equal to the amount of the policy. A law of 1893 provided that the amount written in the policy should be accepted as the true value of the property..

Companies often carried suits to the Federal courts. On account of the great expense and dread of the Federal courts many people would compromise claims rather than continue the contest. The Populists felt that this was an imposition and the Insurance Commissioner attempted to secure a statute which would prevent companies from doing business in the state if they took cases to the Federal courts.* In some fire insurance policies there were clauses stating that if suit was not brought for losses within six months after the loss was sustained it could never be brought. This was remedied by a law of 1897 which defined the time for bringing action.° The Insurance Commissioner recommended a law which provided that one policy should be printed by the state for all fire insurance companies.∅ The bill failed of passage.

Numerous secret societies were organized in order to effect life insurance on the assessment plan. By making low rates they succeeded in securing many members, collected large sums of money and after a few years went out of business.

-o-

*Report of Insurance Commissioner, 1898. Topeka Capital december 23, 1898.

°Session Laws 1897, Chap. 91.

∅Report of Insurance Commissioner, 1898, p. 31.

Under the law of 1893 all fraternal and benefit societies under the control of a grand lodge were exempt from the legal requirements of other insurance companies, thus the law failed to place any check on fraudulent associations. By 1898 the defects of the law had been felt so keenly, that an act was passed which declared all fraternal and benefit societies and associations to be corporations and compelled them to maintain reserve funds to meet claims, besides it placed them under the control of the insurance department.*

Lawyers say there are no trusts in the United States, but the Populist knew there was something that controlled certain industries. This something he called a trust and in 1897 a law was made which defined and attempted to control trusts in Kansas.° Under this law the Clarkson Rate Bureau at Topeka was reached. Mr. Clarkson was the agent for fifty or sixty insurance companies and he set the rates for insurance for the towns in Kansas.⁄ There was no appeal from Mr. Clarkson's rates save to Mr. Clarkson. He received one and one-half per cent of the gross earnings of Kansas insurance. Therefore it was to his advantage to make rates high and he did so. Suit was brought against him and it was shown that his business attempted to regulate insurance. He paid the costs and left the state. The Populists felt that they had success-

*Session Laws 1898, Chap. 23.

°Session Laws of 1897 Chap. 265

⁄Report of Commissioner of Insurance 1898, p. 15.

fully coped with a trust and saved money to the people by lowering insurance rates.

The Populists wanted free silver and condemned the laws that made gold a standard, so it became their duty to carry out their theories wherever possible. Many mortgages provided that the interest should be paid in gold. This conveyed the idea that gold is more valuable than silver and such a thing could not be tolerated. Accordingly in 1893 a statute was passed, which provided that debts of all kinds, payable in United States money and measured by dollars may be paid in either silver or gold authorized by the Federal government, former contracts notwithstanding.*

The second means of giving financial relief, proposed by the Populists was economy and lower taxes. There was nothing peculiar in their making this promise, for the party out of power always condemns extravagance. This reform party however, was going to make great changes. In 1893 the salaries of officers in several counties were reduced, but as the courts found the law unconstitutional, little was saved. In fact about all the change we see is that the old party men are the people who are shocked at the extravagance of the administration. • The Populists said they were hampered by the

-o-

*No record has been found of an attempt to enforce the law. Session Laws 1893, Chap. 99.

•Kingman Leader Courier, March 18, 1893. Nov. and Oct. 1896.

Republican House and could not pass the promised legislation. In 1897 they had full control and the results are well set forth by the Leader Courier. "The disciples of despair in convention assembled last August on the high plains of Abilene swore by all that was holy, that if they got control of the Kansas Legislature, they would make a wholesale reduction in the employees of the House and Senate. ** What is the result? Simply this ** they have eighteen more employees in the House and Senate than any previous legislature. The House has seven more committees with stenographers than ever known before. *** The committee on Public Lands has not had a bill referred to it for the six sessions passed, yet it has a clerk and a stenographer!" The same paper one week later says: "The plank of the Populist platform which caught the most votes was the one, which proposed the abolition of about half the state offices and reducing the salaries of the others to a par with the average farm hand.* * * About fifty offices and clerkships were to be abolished and several boards, among which were the following", Election Commission, State Board of Health, Board of Charities, Fish Commission, Grain and Mine Inspector. *

Bills were introduced creating about two hundred and fifty offices. However few of these bills passed and the

-0-

*Kingman Leader Courier, February 10, 1897.

*The lists are found in the Journals of 1897, Leader Courier December 18, 1897 and Topeka Capital February 23, 1897.

Populists did abolish the Silk Experiment Station thus saving \$100 and combined the Forestry and Irrigation boards, thereby saving \$1200. they reduced the salaries 10 per cent of all state officers, except the Governor., The salaries of the employees in the penal and educational institutions were reduced 10 per cent but those of the employees of the charitable institutions were untouched. Salaries of county officers and the judiciary were fixed, so there was little temptation to officers to extort fees.* While other salaries were being cut Senator Hanna introduced a bill raising the salaries of legislators to \$5 per day and ten cents milage, but in no case should a salary exceed \$500 for a regular session and \$150 for an extra session. The bill caused considerable criticism but did not pass. Printers fees were cut 25 per cent. When the Republicans gained the election in 1898 an extra session was called, thus imposing an extra expense of \$26000 on the people.

If we examine the expenditures we see a gradual increase. §

-0-

Topeka Capital February 23, 1897. /same as

oTopeka Capital February 19, 1897.

@Many Populist Papers opposed the session of 1898 Star in Kansas February 25, 1898.

§	Expenditures.	
1890	\$2733444	1891 \$3296622
1892	\$2437109	1893 \$2622193
1894	\$2499009	1895 \$2710235
1896	\$2506137	1897 \$2674126
1898	\$2672083	1899 \$2853086

The Legislature of 1897 seemed to have saved half a million dollars but the appropriations for salaries were less than the law allowed so another legislature had to make up the deficit. Then less than \$200,000 was appropriated for public buildings while the Legislature of 1895 gave \$500,000 for this purpose. Besides the appropriations for the educational institutions were reduced.* On a careful examination Populist economy becomes a myth.

The Populists attempted to adjust taxation. Their experience had taught them that something was wrong in the working of the tax system. It was the old story of the general property tax. It looked so fair and just that the Populists thought the defect lay in human nature rather than the system. Some of them sought to make taxes uniform by providing for state and county assessors and boards of equalization.° Others tried to make it universal by instituting inquisitorial laws, which provided for the confiscation of one-half of the property not listed, and offered a premium to the person reporting untaxed property. It was an attempt to follow the steps of older states,@ but none of these bills passed.

People who had mortgages felt that their property was not worth as much to them as before it was mortgaged and that the

-0-

*Appropriations in Session Laws of 1897. Treasurers Reports 1895 and 1897.

°Topeka Capital February 19, 1897 and Journals 1897.

∅Topeka Capital January 29, 1897 and Journals 1897.

@Inquisitorial Statute of Ohio.

holder of the mortgage should share the tax. Bills were introduced providing that mortgages should be recorded and deposited with the county treasurer or be stamped by the assessor in order to be valid. Another bill provided that the tax should be divided between mortgagor and mortgagee. Wiser populists said that Kansas needed lower interest and more money. and that exempting mortgages from taxation would help to supply these needs.* However the majority felt that exemption would not lower rates sufficiently to justify it. When Ely and Seligman can not agree on this subject we need not be surprised that Populists could not. The matter was compromised finally by taxing judgments. The person in whose favor the judgment was entered was required to record it within sixty days after the act passed in the office of the county treasurer or the judgment became invalid.°

Another question that perplexed the legislators was the taxation of insurance companies. One bill provided for substantially the same method as that employed in Massachusetts, but few legislators appreciated the value of the bill.∕ According to the law passed all companies not organized under the laws of Kansas are taxed 2 per cent and all foreign companies 4 per cent of their gross earnings.@ The inequality of the law seems not to have appealed to them, however it has one

-o-

*Journals and Topeka Capital February 15, 1897.

°Session Laws 1897 Chap. 95.

∕Session Laws 1898. @Journals 1897.

good point, fraternal and benefit societies were taxed the same as other insurance companies.

Another law passed in 1898 provides for the taxation of telegraph and telephone companies.*

During the period of financial depression much land was sold for taxes and it became necessary to make it easier for people to redeem their property. Therefore the redemption law was amended, so as to lower the rate of interest from 24 to 15 per cent.°

Populist financial legislation sought first to place more money in circulation and regulate financial institutions; second to reduce taxes through economy and by reaching new sources; and third to make it easier for people to redeem land sold for taxes. Many wild and radical bills were introduced, but be it said to the credit of the party, that the committees had the strength of character to report such bills back with the recommendation "that they be not passed". Only one spiteful or radical law was passed, that was the one relating to judgments. It is the only one that could be selected as a typical Populist measure.

-o-

*Session Laws 1897, Chap. 245.

°Session Laws 1893, Chap. 101.

-oOo-

CHAPTER IV.

GOVERNMENTAL AND SOCIAL LEGISLATION.

In order to better social conditions it often becomes necessary to make administrative changes. The Populists thought that conditions in Kansas required change. They felt that the government was getting too far from the people, that too many offices were appointive so they demanded the election of all officers. Bills were introduced providing for the election of every officer of the state. A statute of 1897 provided for the election of city assessors, and one in 1898 for the election of Insurance, Police and Fire commissioners.

The police boards had offered the best of all grounds for the politicians to attack an administration, for the governor appointed the Police commissioners. As the enforcement of the Prohibition, Gambling and Lottery laws depended on these officers, the enforcement or non-enforcement of law was always charged to him. The Populists had advocated the abolition of these boards, but the governors of that party seemed less anxious to do so while they were in power. They had received the usual amount of criticism on account of city corruption.*

-o-

*New York Tribune, Oct. 1, 1894. Kansas City Star, Oct. 2, 3, 1896.

So in the extra session they passed a statute providing, for the division of each first class city into three districts, from each of which, one police and fire commissioner was to be elected.* These officers were to have control of the police and fire departments and answer to the people for the manner in which they enforced law.

The Railroad commission which had been appointive was abolished and the judges of the court of visitation made elective.°

Since the Populists sought to revive the power of the people, it was necessary that the election be so conducted as not to thwart the wishes of the people. A law was passed which, was intended to prevent the buying of votes, "through gifts, treats, contributions and promises".∕ It was also hoped that the law would do away with the large campaign fees. Every candidate and political society had to make a sworn, itemized report of all moneys received and spent during the campaign. In addition to that the Populists adopted the Australian Ballot Law. This law was to give secrecy and freedom of ballot.® As the defects of the law appeared it was amended. In 1897 the form of the ballot was changed, so as to make the majority at the last preceding election determine the location of the party ticket on the ballot.

*Session Laws 1898, Chap. 4. °Session Laws 1898 Chaps. 28,29.
∕Session Laws 1893 Chap. 77. ®Session Laws 1893 Chap. 78.

In 1898 the form was again changed and the printing provided for, this amendment saved the state \$25000.* These laws seem to have obtained the desired end.

While all power lay with the people, the Populists feared that it might be used to the detriment of its possessors, so they proposed to limit the power to contract debts. Various bills were introduced to prohibit the local units from voting bonds or using their credit in any way to aid railroads, or any industry. Chapter 113 of the Session Laws of 1893 places the maximum bonded indebtedness of any local unit, save school districts, at 5 per cent of the assessed valuation. Such laws had already been enacted by many of the older states and have been found beneficial.

In an another matter the Populists felt it was the duty of the state to interfere. Mr. Ury of Ft. Scott proposed to consolidate eighteen counties of Western Kansas. He said that 75 per cent of the land was owned by loan and irrigation companies, who had stopped paying tax and that the 25 per cent owned by residents had to pay from \$16 to \$35 per quarter section, when \$5 would be a good tax.° Mr. E. W. Ward county clerk of Wallace county writes: "I am at a loss to know where Mr. Ury obtained his information. Taking Wallace county as an example we will see how far from the real truth

*Topeka Capital December 28, 1898.

°St. Louis Republic January 3, 1897.

he is. Eastern loan companies do not own one dozen sections of land in the county and not to exceed fifty quarter sections are mortgaged and in nearly every instance the mortgage is held by home investors. The tax on an average is \$6.18 per quarter section. County warrants are at par.* The bonded indebtedness is \$49800, \$15000 of which is in the county treasury. In the three weeks past the county treasurer has issued \$30000 worth of tax receipts. * * * Stock men who want this for a cow boy region may favor consolidation. Western Kansas has reached its low water mark. People are gradually acquiring small ranches and not depending so much on grain. If any one is of the opinion that Western Kansas people are not opposed to consolidation let him investigate." A few such testimonials from each of the Western counties made the scheme seem rather ridiculous. The bill received little attention.

The Populists were enthusiastic advocates of civil service. Nevertheless soon after becoming Governor Mr. Leedy removed the officers and Republican employees of the penal and charitable institutions, and had fourteen of the faculty of the Agriculture College discharged.° But these people were either illegally appointed or were out of harmony with the administration.¶ If people could be found in harmony with

-0-

*Topeka Capital January 5, 1897.

° Kansas City Journal February 25, 1897.

¶ Omaha Bee April 14, 1897.

the administration he would like to have civil service and Republicans ought to have any way.* Senator Householder introduced a bill which proposed to remove all state institutions from politics by providing that no two members of any board of control should be appointed from the same political party. The measure was lost.° So in the extra session of 1898 a new attempt was made to remove offices from politics, and a Miners Association was provided for. Five miners could form an association and elect a delegate to the Miners convention at Topeka. This convention elected the usual officers, but its secretary took the place of the State Mine Inspector .¢ In a similar manner a Labor Association was provided for.® The secretary of this association took the place of the Labor Commissioner.

A governmental change, which all Populists eloquently advocated was the Initiative and Referendum. In 1897 a resolution was introduced to amend the constitution of the state so as to provide for it. The Populists agreed in caucus to support the resolution and their official organ says: "The Populists do right in agreeing to support the Initiative and Referendum. If it is not right and perfectly safe, then it must be conceded that the people are not capable of governing themselves."§

-0-

*Topeka Capital Jan. 22, 1897. °Topeka Capital Jan. 23, 26, 97.
¢Session Laws 1898 Chap. 33. ®Session Laws 1898 Chap. 34.
§Topeka Advocate Feb. 21, 1897.

The resolution provided that 16 per cent of the voters could at any time cause a popular vote on any law passed by less than a two-thirds majority, or 25 per cent could call for a popular vote on any constitutional amendment.*

The resubmissionists at once seized the opportunity. They had worked for years to get rid of the Prohibition law. Wichita wanted to establish breweries and distilleries to utilize Kansas and Oklahoma grain. The Populists were charged with being in league with the resubmissionists and that the resolution was only a covert scheme to abolish prohibition. So strongly was this urged that many Populists felt called upon to explain their votes.° The combination killed the resolution. However the Populists did apply the Referendum to a law pertaining to the cutting of hedge,¢ and to an act establishing a court of common pleas in Crawford and Cherokee counties.@

To better the condition of farmers, laws were passed protecting birds, relating to the cutting of hedge, prohibiting the docking of the weight of hogs and authorizing certain improvements in roads.

Weights and standards for grain had previously been determined by a man appointed by the board of trade. A law of 1897 created the office of State Grain Inspector whose duty it is to consult with the board of trade and establish weights.

and standards.§

-o-

*Topeka Capital Feb. 23, 1897.°Topeka Capital Feb. 23, 1897.

¢Session Laws 1893. @Session Laws 1898 Chap. 16.

§Session Laws 1897 Chap. 138.

Another law provided for the protection of the grazing land of western Kansas.*

The Populists passed a number of laws for the benefit of the laborer. The law relating to the ventilation of mines and the health of miners, was amended so^{as} to make it more effective.° A statute forbade employers to discriminate against labor organizations.¶ While another forbade the employment of detectives or any other officers from outside of the state, to attempt to settle troubles in times of strikes.@ Much had been said about the black listing in vogue among the corporations of the state. A statute of 1897 prohibited it and provided that on the request of a discharged employee the employer should give a written statement, setting forth the reason for dismissal. It also made it a misdemeanor for an employer to in any way hinder a dismissed employee from securing other work. While the bill was under discussion in the House an amendment was offered which would make the law apply only to corporations, otherwise they said, it would apply to farm labor. Mr. Fairchilds (Pop.) said the amendment would make the law unconstitutional as it would be class legislation.§

To prevent the evils of the script system a statute provided that all employees of firms and corporations must be

-0-

*Session Laws 1897 Chap. 157. °Session Laws 1897, Chap. 157.
¶Session Laws 1897, Chap. 120. @Session Laws 1897 Chap. 124.
§Session Laws 1897, Chap. 144.

paid in lawful money of the United States or checks on banks in which the employer had money deposited and all contracts to accept anything else should be invalid. *

Much objection had been made to the use of convict labor in the mines at Lansing. The Populists had strongly condemned it. So an act was passed which provided that coal might be mined for the state charitable institutions, the wagon trade and such other contracts as the directors of the Penitentiary saw fit to make. The law merely gave legal sanction to common practice.°

The strikers of 1892 found sympathy and intended relief in the legislature of 1893. It passed an act which provided that coal should be weighed before screening. It also provided for weighmen and if the miners desired check weighmen.¶ This law was declared unconstitutional by the Federal courts. It was this decision, which called forth the statement in the platforms that the Federal courts were dangerous to the liberty of American citizens.@

Many towns had trouble with electric light, water works, and gas companies. The tax for such utilities often reduced the revenues for other purposes sufficiently to injure the schools besides high prices were charged the citizens. Many towns asked for the privilege of owning their own plants.

-0-

*Session Laws 1897, Chap. 145. °Session Laws 1893.

¶Session Laws 1893.

@Star and Kansas, June 20, 1894.

A law of 1895 granted their wish. In a law of 1897 the Populists gave the towns power to buy, build, to lease, operate and fix prices of such utilities.

Aside from the regulation of railroads there was no subject more agitated than that of mortgages. The way in which it was presented by politicians is illustrated by an extract from Mr. Luelling's inaugural address.* "Our hearts have ached because of the evictions under the Irish tenant law, but hundreds of our families are made homeless every year by the foreclosure laws of Kansas. And thus the power which freed the African is forging into the same crucible the sons and daughters of our blood. The great forces are forming in battle line; these same under different form and guise that have long been in deadly antagonism, represented in master and slave, lord and vassal, king and peasant, despot and serf, lord and tenant, lender and borrower, organized avarice and the necessities of the divided and helpless poor. I appeal to the people of this great commonwealth to array themselves on the side of humanity and justice. If it be true that the poor have no rights to the property of the rich, let it also be true that the rich have no rights to the property of the poor. It is the mission of Kansas to protect and advance the moral and the material interests of all its citizens. It is the special duty at the present time to protect the producer from the avarice of combined capital."

We have already noticed the part the loan and trust companies played in the matter of mortgages,* so we will now consider the attempts to relieve the debtor. Gov. Lewelling and a few others doubted whether it were right to make the debtor pay the mortgage after he had payed a sum equal to the principal in interest by the end of the eighth or tenth year.* Very few men sanctioned any such suggestions. But many people felt that the mortgagor should have some time after the foreclosure in which to redeem the land, as it was not the land the creditor wanted but his money. Accordingly a statute provided that the former owner could occupy the land for eighteen months after the foreclosure and redeem it by paying the mortgage, interest and costs.° The law accomplished very little and in 1897 Senator Harris introduced a bill, which most of the able men of the legislature supported. This bill made the land alone security and full satisfaction for the debt, and a deed of trust was given when the mortgage was executed. It was felt this measure, would lower interest, as loans in Missouri^g under a similar law were secured for 2 per cent less than Kansas loans. Furthermore it would have avoided foreclosure proceedings and cost of entering judgment. The bill was defeated and others introduced to waive sale until the land would bring the amount of the

-0-

*Message of Lewelling 1893, Senate Journal.

*Session Laws 1893 Chap. 109.°Senate Journal 1897 and Topeka Capital March 2, 1897.

mortgage. But these failed and all the legislative relief that the poor serf¹ received was an extension of eighteen months time.

The Populists proposed to better the condition of people in all ways, so the subject of education could not be passed over. In Gov. Leedy's message he said: "In dealing with the educational institutions no niggardly hand should be used, while economy is needed yet any act that deprives a child of this state any educational advantage is poor economy. * * * As the strength of Sparta lay not in her walls but in her soldiers, so the wealth of Kansas lies not in great fortunes, but in her general storehouse of common intelligence."*

Until 1888 there had been a state school tax. When the tax was removed the Superintendent of Public Instruction had advised that it be replaced, for it was especially helpful to the larger towns and the counties of the far West. Numerous bills were introduced in 1893 and 1897 providing for state and county school taxes. The way in which the railroad tax is divided makes it seem necessary that some change be made. The railroad taxes are paid to the districts through which the roads run. These districts have lighter tax, longer schools and better teachers than the neighboring districts, but all pay equal tax on railroad bonds. No legislation was

passed to remedy the evil.

Uniformity of text books had become a fad with Kansas educators and efforts were made to secure state uniformity. School books seemed high and many county superintendents urged that the state should furnish uniform texts at fixed prices. In 1897 a law fixed prices and provided for a text book commission. All secondary schools receiving public money were compelled to use the books adopted. Some of the books are fairly good and others are not. The grammars and histories are witnesses, either to the corruption of the commission or to an ignorance on the subjects that one can hardly attribute to intelligent men. There was a well founded feeling among the demagogues of the Populist party, that higher education was detrimental to their success, unless it could be made subservient to their political beliefs.* They tried to create a feeling against the institutions of higher learning, but as they made little headway the politicians took the matter in hand and under the guise of economy - claiming that it was for the benefit of the common schools - they reduced the appropriation for the State University^o from \$250000 to \$100000. Salaries of the faculty were reduced and a provision of the law made it a misdemeanor for the regents to pay any person more than a sum named.✓

-o-

*Kingman Journal Dec. 1893.

^oTopeka Capital Feb. 23, Jan. 18, 1897. Session Laws 1895-7.

✓Session Laws 1897. Topeka Capital Feb. 23, 1897.

There was such a revulsion of public feeling at this act that in 1898 they tried to amend the law so as to permit the regents to fix salaries.*

The politicians were more successful in their attempts to restrict the Agricultural College. A law was passed reorganizing the Board of Regents. The board was to consist of seven members, five of whom were to be appointed in 1897 for four years, thus giving the populists control for four years at least. The new board at once dismissed the President and fourteen members of the faculty, giving as their only reason that the people dismissed were out of harmony with the fundamental principles of the administration.° The removals were denounced by all parties. The Alumni regardless of party, held indignation meetings and passed resolutions denouncing the removals.✓

The following is an extract from a letter written to the Manhattan Intelligencer. "I have watched with interest the growth of the college. * * * * President Fairchild has grown prematurely old in the great work of the school and now in view of what he has done to turn round and turn him out of doors is like a boy turning his father out.* * * * When a party gets so low as to use its party power in attacking the state institutions we need to cry out O Shamewhere is thy blush! This has been done by the Populist party and

*Topeka Capital Mch. 16, 1897. °Omaha Bee and Topeka Capital Apr. 14, 15, 16, 1897. ✓Topeka Capital Apr. 16, 1897.

it will react on them. I have been a Populist for years but I predict that this act of the regents will wind up the Populist party in Kansas."*

Mr. Wills the new president at once took charge of the college paper and made it one of the most radical Populist papers in the state.°

The Populists gave liberally to education in 1893, but in 1897 they seemed to feel that the state owed more to penal and charitable institutions than to education.∅ The greatest disgraces the Populists have to answer for are found in their educational legislation. The Populists sought to better social conditions in two ways, first by governmental changes and second by direct legislation. Under governmental changes they passed election laws, slightly advanced civil service, limited the power to create debts and gave new power to the local units.

Through direct legislation they did little for the farmer, aside from providing for the State Grain Inspector. The anti-script law and the amendment of the law pertaining to the ventilation of mines were the most beneficial acts passed for the laborers. Their educational legislation was detrimental and it is doubtful whether the mortgage legislation did any good.

-o-

*Topeka Capital Apr. 30, 1897. °See Manhattan College Paper. ∅Treasurers Report 1897.

-oOo-

CHAPTER V.

LEGISLATIVE REFORMS IN TRANSPORTATION.

To inland states the question of a market or the means of reaching one becomes the most important of all considerations. This question caused much of the unrest in the pioneer days of Ohio and Kentucky and gave opportunity for the Spanish intrigues with the trans-mountain country. The demand for the navigation of the Missississippi river, in order to reach a market, resulted in the Louisiana Purchase. Having no navigable rivers Kansas had to depend on railroads to transport her products. The state lies at a considerable distance from a seaboard market and transportation becomes an important factor in the cost of production. "It is natural that the charge of excessive railroad rates should be eagerly received by the agricultural class and it is equally natural that the politicians should use the circumstances to their advantage and try to increase the misunderstanding between farmers and the railroads.*

When the idea becomes prevalent in a community that a corporation is unjust in its transactions, public opinion becomes unduly sensitive. Such seems to have been the con-

dition in Kansas. On some of the branch railroads there was little passenger traffic, so on these lines passenger trains slacked at small towns only to toss off and receive mail, unless signaled to stop for passengers. The Populists felt this to be a great injustice, accordingly an act of 1893 provides, that "every railroad operating a line through the corporate limits of a county seat must stop one passenger train each way daily."*

Generally the telegraph lines were owned wholly or in part by the railway companies and if their trains did not make regular stops no telegraph office was maintained in the town. So the Populists passed a law providing that every telegraph company operating a line which runs through a county seat must maintain an office in that town. Another statute repealed the law which permitted conductors to charge people who had no tickets extra fare.°

Shippers often found, that cars, which were full at starting were not received as such, when they reached market. There was some doubt whether railroads were using reasonable care or whether commission men were dishonest. Chapter 99 of the Session Laws of 1893 provides that every road shall construct and keep in order scales for weighing cars and car loads at every station from which the aggregate of grain on all lines shall be one hundred cars. If more than one-

fourth of one per cent of the grain is lost in transit the railroad shall be liable for damage. Since the passage of this law the complaints have ceased.

An act of 1895 provided that shippers of live stock should be given tickets. In 1897 the law was so amended as to make the railroad company responsible for all losses incurred in transit, if the shipper had not received a ticket both ways.*

According to statute shippers are required to feed and water stock at stated intervals. Hence the regulation of stock yards becomes a question of great importance to stock men. It was generally supposed that the railroads had an interest in western stockyards and that these institutions were yielding enormous profits. In both 1893 and 1897 the Populists promised that stockyards should be controlled. In 1897 a law was passed, which fixed yardage fees and standards for the measurement of feed. It also provided that prices for feed should not exceed 100 per cent of the market price on the day prior to delivery.°

The law reduced the profits of the Kansas City stockyards one half and when an attempt was made to enforce the law the company tried to enjoin the action, claiming that the rates were ruinous and that the law interfered with interstate commerce. Judge Foster of the Federal court held that the

-o-

*Session Laws 1897, Chap. 397.

°Session Laws 1897, Chap. 240.

¶Chicago Tribune, September 10, 1898.

rates fixed by the legislature gave a fair profit on capital invested, that the stockyards are only an incident to commerce and that the states have jurisdiction over them.* The Kansas City stockyards being the second in size in the United States, it meant a saving or a loss of thousands if not millions of dollars.° After this decision the yards were moved across the line into Missouri. Kansas had lost the tax on a large amount of capital and the people had to pay the old rates. The Populists then promised to put into effect their state ownership scheme and thereby give greater benefits than the law of 1897 would have.º But it was only a promise.

It may be easier to understand the real ground on which the Populist rested his changes that rates for transportation were high, if we examine the facts. In the first place a state which has land open to settlement never develops much manufacturing and Kansas was no exception. Her products had to be shipped to Eastern states to be manufactured thus the Kansas consumer paid freight both ways. The table below shows the rates on coal for the years 1884 and 1885.® From this table it would seem that the farmer of Western Kansas who

*Omaha Bee, Oct. 6, 1897. -o- Topeka Capital Oct. 6, 7, 97.
 Kansas City Star Oct. 5, 6, 1897.º Chicago Tribune Sep. 10, 98.
 ®Table showing the rate in cents for various distances in 1884 and 1885 and the proposed rate by the act of 1893.

Miles	Rate 84.	Rate 85.	Proposed Rate.
10	5	3	1.73
50	11	6	2.68
100	18	8	4.08
200	30	12 1/4	5.68
400	56	20 1/2	7.28

The above rates are on coal. R. R. Commissioner Report p. 21

bought coal, shipped from the Eastern part of the state or Colorado might have some slight ground for complaint.

The difference between transportation rates of the East and West is shown in the table below. In comparing rates it is necessary to consider the cost of construction and equipment. The cost of construction in a level prairie country is much less than in such a state as Pennsylvania or New York. Every traveler knows that the money spent in equipment is less in the West than in the East. But when we consider the vast land grants to the railroads and the large sums voted by the local units the difference in rates becomes less justifiable. The business done does not seem to call for such high rates, when the average freight train of Kansas consists of eighteen cars thirteen of which are loaded or when the gross receipts are more than \$4500 per mile.* The Kansas people asked for lower rates and the Populists promised them.

The question of maximum rate law had been discussed in Kansas since 1883, ° but only became a matter of public agitation in 1890. The Populists considered a maximum freight

-o-

*Report of Railroad Commissioner 1896: 216, 221. A. T. & S. F. Ry.

°Report of Railroad Commissioner 1883:

Table showing average freight rates in cents for moving one ton a mile.

Year	Penn. & Ohio.	Kans. & Nebr.
1880	.892	2.481
1882	.782	2.156
1883	.861	1.923
1889	.684	1.378

Census Bulletin No. 164, p. 6. and No. 120, p. 4. 1890.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

law the best method of regulating rates. In 1891 a bill was introduced providing for a maximum rate schedule. In 1893 six such bills were introduced. To one of these Senator Leedy- afterwards govenor - proposed an amendment which the Senate adopted. It classified freight, provided against discrimination among shippers and fixed maximum rates, which were from 33 to 25 per cent lower than the rates then charged.* The bill passed the Senate but died in the House.

The platform of 1896 demanded a maximum freight rate law similar to the Senate bill of 1893. In the session of 1897 more than thirty-six railroad bills were introduced, of that number thirteen were maximum rate bills. One bill provided that railroad commissioners should be elected by the people and paid by the railroads. Most of these bills gave the railroad commissioners power to make schedules of rates. The bill which was seriously considered was largely based on the railroad laws of Iowa and Minnesota. It attempted to prevent discrimination by making the lowest contemporary rates the regular rates. It fixed maximum rates which were 32 per cent lower than the Iowa rates and much lower than those of the Nebraska law, which the courts had just declared unconstitutional.° During the join debate before the committee the railroad attorneys convinced many of the legislators of the defects of the law.

*St. Louis Republic March 3, 1893.

°Topeka Capital March 14, 1897. Kansas City Star Mch. 13, 14,

The railroads gave the legislature to understand that if the bill passed the railroads would abandon all non-paying lines.* This made the situation serious especially for the Western members. The engineers and firemen's association condemned the bill, telling the committee that it would lower the wages of all railroad employees in the state. The bill failed of passage.

Senator Harris thought the completion of the Gulf Road had greatly lowered rates and that a maximum rate law was unnecessary.° He introduced a bill of which the Topeka Capital speaks as follows. "Mr. Harris' bill was drawn with great care. It intended to and did very strongly and comprehensively prohibit discrimination and favoritism in every way, with adequate penalties for violation of its provisions. It did not give the commissioners right on their own accord to promulgate rates and change schedules, whether complained of or not, but where complaint was properly made, their power was as far reaching as the legislature could give power. Mr. Harris is a man of education, experience and integrity."¶ This bill passed both houses with but one dissenting vote.® But several senators voted under protest, Mr. Householder's protest is a good example. "I am going to cast a vote that does not accord with my judgment on this bill. I feel that it in

-0-

*Topeka Capital Jan. 28, 1897. °Rates were lowered 12 per cent. Railroad Commissioner's Report 1898.

¶Topeka Capital Mch. 12, 1897. ®Senate and House Journals '97.

no wise gives the people relief from the oppression of the great corporations. It is like a hornet without a sting, like a viper without poison, like a copperhead without fangs, like an eagle without talons. It in fact gives new arms to the great octopus by which it will tighten its hold on the throats of the producers."*

March the 5th thirteen Senators sent a protest against the bill to the Governor, because the bill was not what they had promised and gave little relief, besides they considered it little better than the law already on the statute books. On March the 9th forty-four Populists from the House filed a similar protest.° The Governor vetoed the bill.

The end of the session was at hand and much dissatisfaction was expressed over the failure to pass a railroad law. The Jewel county Register of Deeds wrote to the representative of their county thus: "Our county is in a rage to think that you are about to adjourn without giving us any railroad legislation. I honestly believe every Populist in the state will be defeated in the next general election on account of our legislature. We hold you fellows responsible."¢

Governor Leedy talked of calling an extra session immediately, to pass a maximum rate law but party discontent was too great to make any such attempt successful. But after the election of 1898 with much difficulty he got an extra session.®

*Topeka Advocate Mch. 5, 1897. °Topeka Capital Mch. 5, 9, '97.
¢Topeka Capital Mch. 12. 1897. ®Kansas City Star Dec. 1-20. '98.

A bill was prepared outside and presented to the Legislature,* which was passed without debate. It provided for a Court of Visitation, with all the powers of any court of original jurisdiction. There were to be three judges elected for four years and a solicitor appointed to represent the state. The court was to determine what were reasonable rates and charges, to apportion charges between connecting roads and determine all questions relating to cars and equipment. It was also to classify freight and see that the roads used the most modern appliances. In case of a strike that interfered with a corporation performing its function to the public the court might call on the corporation to give the causes of the trouble and if it was found that the corporation had not been "oppressive, tyrannical or unreasonable to any of its employees then it might employ other laborers and continue operations." But if it was found the corporation had been oppressive tyrannical or unreasonable to any of its employees the court was to order it to immediately perform its function for the public the same as before the strike and if it did not do so immediately the court was to take charge of the property and operate it until the corporation was ready to obey the orders of the court.°

This law was not wholly satisfactory to the Populists.

-o-

*Topeka Capital and Advocate Dec. 14, 20, 1898.

°Session Laws 1898, Chap: 28, Topeka Advocate Dec. 30, 1898.

While in the first case brought before the court the burden of proof, as to what reasonable rates were rested with the railroad, in all subsequent cases it rested with the person making complaint. The strike clause was said to deprive the unions of their power. So an effort was made to pass an act which should fix maximum rates for the court and amend the strike clause.*

After the Legislature of 1893 adjourned Gov. Lewelling decided to take charge of transportation questions himself. Accordingly on July the 19th he announced that he would appoint a commission to go to Chicago, for the purpose of opening negotiations through the representatives at the Worlds Fair, with European governments concerning the exchange of commodities with Kansas, by way of the Gulf of Mexico. He said he felt confident that if he could secure the cooperation of the governments of Europe or the merchants of a single maritime port, that he could establish relations with the trans-Missouri country of America.° He hoped that the railroads, which had gulf lines would reduce their rates, but if they would not the people would build an inter-state road to the Gulf. In June a meeting had been held at Lincoln Nebraska to consider the construction of such a road. The private secretary and confidential advisers of the Governor

-o-

*Topeka Capital Jan. 3, 5, 1899.

°St. Louis Republic July 21, 1893. Kansas City Star July 21, 22, 1893.

went as Kansas delegates. The following December another meeting of state delegates was held, meeting this time at Topeka kKansas. Mr. Richard George of Brooklyn, the American representative of the Alfred Christineen Copenhagen Steamship Company, was present and worked to secure the construction of the North and South railroad. The Danish and English Steamship Company was at that time building three large vessels to ply between the Gulf and European ports. The Danish vice-Consul of Kansas City had visited the Govenor shortly before he announced his scheme for commerce between the Western states and Europe. His enemies at once accused him of being an agent for European plutocrats.* But the Gov-
enor said he ^{had} no interest in the matter save to get farmers goods to market as cheeply as possible.

Meetings were held over the state in the interest of the road and attempts made to induce farmers to take stock in the enterprise.°

In 1897 Senator Forney introduced a bill providing for a committee to confer with Oklahoma on the advisability of building a railroad from Kansas to the Gulf. In the debate Senator Lamb (Rep) said it would be unconstitutional for the constitution of Kansas says that the state shall not carry on any works of internal improvement. Senator Forney re-

-0-

*St. Louis Republic Dec. 29, 1893. Kansas City Star Dec. 28, 1893. °Topeka Capital Dec. 3, 4, 1893. Kansas City Star Dec. 3, 1893.

plied "We are living under a constitution that is defective."* The bill passed and Oklahoma appointed a committee to confer with Kansas.°

Govenor Leedy had a different scheme for constructing the road, which he explained at various places. "In a speech at Mankato Govenor Leedy proposed to put state convicts to work on his Aurora Borealis railroad and he says he does not intend to pardon convicts - the more convicts the quicker the work will be done. The Govenor gives the impression that some one in Texas is willing to have Texas convicts lay track. He also asserts that there are 4500 convicts in that flourishing state. In this respect it is a matter of some chagrin that Texas should be ahead of Kansas."¶ The Govenor proposed that the state and municipalities take bonds of the road and he suggested that the permanent school fund be invested in the bonds. The road would be 1000 miles long and the bonded debt would not exceed \$12000000. "The state and municipalities were to own the entire road and not a dollar of private capital was to be invested in it."

Control of stockyards and railroads were the two great promises of the Populist party in Kansas. They merely drove the stockyards they were most anxious to control from the state and gave no relief. They passed a railroad law a few

-0-

*Topeka Capital Jan. 29, 1897. °Topeka Capital Feb. 23, 1897.
¶Topeka Capital June 18, 1897.

days before they went out of power, which they frankly admitted did not answer the purpose they desired it should.

-oOo-

CHAPTER VI.

WAS POPULISM AN AMERICAN MOVEMENT?

Populism is often spoken of as "New Sectionalism"* or "Western Sectionalism", as though it were some new and strange movement. Their bills and acts are spoken of as revolutionary and un-American. If it is something new and foreign to American political life, from whence did it come? We have seen that the inhabitants of the Populists regions are the sons and daughters of "Greater New England" and the "New South". Since the region is slightly affected by foreign influence, it must be the physical environment, which gives to Populism its peculiarity. A people are rarely if ever, transplanted without being modified.

The combat with the virgin soil and new physical condi-

-0-

*Quarterly Journal of Economics, Vol. 10, Tracy's New Sectionalism. New York Tribune, Jan. 17, 1893.

•Nativity of the Senators and Representatives of the Kansas State Legislature in 1897.

State.	Senator.	Representative.	State.	Sen.	Rep.
Conn.		1	N. Y.	6	8
Ill.	5	22	N. J.	1	
Ind.	3	6	N. H.		1
Ia.	3	4	Penn.	4	13
Kan.		7	Ohio	9	26
Ky.		3	R. I.	1	1
Miss.		1	Tenn.	1	5
Md.	1	1	Va.	1	1
Mich.	1	1	Vt.	1	
Me.		2	W. Va.	1	
Mo.	1	5	Foreign		7

tions necessitate change in the mode of life and the method of utilizing the means of production. The more completely the pioneer adjusts himself to the natural environment, the happier he will be. But herein lies one of the causes of Populism. The settler did not adjust himself to natural conditions. He wanted to farm in Kansas just as he had in the North West, or his grandfather had in the tide water states. Nor was he willing to accept the mode of life called for in his adopted state. He wanted frame buildings not stone or sod. He wanted all the improvements and accessories of older states. But the farmers of the plains are not different from other Americans in this. In every new settled region of America has come the same cry, for capital with which to improve. This desire for the best that civilization offers is the great force of American progress. But the settlers of the North West and South West found no new climatic environment. In this respect the settler of the plain differs from those of other regions. And here must have been the origin of the un-American thinking and legislative attempts of the West.

One thing which gave the Populists of Kansas their reputation for revolutionary ideas, was the State House Affair, which occurred in 1893. The Populists proposed to run things at all hazards. The Senate and Governor were Populist, but aside from contests they lacked seven of having a majority

in the House. The leaders of the party had agreed that they must organize the House and to accomplish this if necessary, they would take forcible possession of the legislative chamber before the specified time for assembling. Then organize and decide contests enough to give them a majority.* But the Republicans were aware of the design and succeeded in organizing a little the quicker. The Populists also organized a House and tried to make the Republicans come to terms but failed. Then they locked the doors of the legislative chamber and refused to admit the Republicans. The latter broke the door down and took possession. The Governor called out the militia. Such companies as felt like doing so came and the others stayed at home.

Republicans hastened to the capitol and were armed with ball bats. The militia was in sympathy with the Douglas House and obeyed only such orders of the Governor as would keep peace.° The Supreme Court of the state decided that the Douglas or Republican House was the legal organization.

This conduct on the part of the Populists was not the attitude one would expect the advocates of purity and justice to assume. Nor was it especially fitting to the representatives who would move only at the dictates of the people. Notwithstanding these facts it was not especially sectionalistic or un-American, for the same year Rhode Island^{had} a very

*St. Louis Republic Jan. 3, 1893.

°New York Tribune Jan. 5-28, 1893. St Louis Republic same date.

similar proceeding and surely she could not be charged with doing anything un-American.*

In the legislative demands for more money the Populists were trying to have the general government do what the states had done in the 20s and thirties through state banks.

The attempt to authorize counties to issue notes payable by the state, was probably the result of a reminiscence, of the time when, the Southern states made themselves security for the notes of planters who were taking up new cotton lands.*

The opposition to National banks is as old as American National Banks. Republicans and Federalists of Ohio and Kentucky had shown a dislike for banks, which issued paper money, but tried to regulate other monetary exchange. They felt just as the Populists did, that a favored class was fostered by means of the National banks. Ohio had tried to tax the National banks; Kentucky had tried to prohibit these institutions from entering her domain.° The attempts to establish a guarantee fund traces its ancestry to the banking laws of New York in 1829.

The demand for a non-alien ownership law was the attack of the settler on the speculator which has gone on through the whole history of our westward movement. The Kansas people were told that foreign syndicates were buying up land to rent on the English landlord system. The Populists claimed

*Dr. Kleene's Lectures on History of Finance.

°Dr. Turner's Lectures on Social and Economic History of U. S.
Trimmer Journal, Dec. 18, 1887

that the settlers did the work and endured the hardships necessary to build up the state, while the speculator did nothing for the state and yet held vast tracts of valuable land. And they felt that this land should be open to settlement. In reading these complaints one might imagine that he was reading the Kentucky memorials to Congress on a similar subject.

The legislature of 1891 passed an alien non-ownership law. This was the one act of that legislature in which the Populists took pride. It provided that within five years all land in Kansas, ^{held} by foreigners must be disposed of to citizens of the United States. But great was their indignation when they went to apply the law, for the courts held that it was unconstitutional.

The Populists had always hated the Sante Fe Railroad but their animosity increased ten fold, when in 1894, it put United States Marshalls on its passenger trains and ran them in defiance of strikers and employed nonunion men in the place of union men.* So in 1896 they decided to apply their favorite law and sell the Sante Fe Railroad as much of its stock is held by foreigners. The court held that the law was intended to prevent the holding vast tracts of land and the introduction of the landlord system, but that the law was unconstitutional anyway. This was too much and the Populists

decided to regulate the courts by changing the judicial districts and thus rid themselves of the judges who were particularly obnoxious. A bill which was introduced for this purpose but lost, suggests the legislative struggle of Kentucky over her courts.* Even Gov. Leedy's attack on the Supreme Court of the United States was not anything new or sectional, for much abler men than he had in times past done the same thing.

The proposed North and South railroad finds its counterpart in a road actually built in Wisconsin. The object desired in constructing such a road was the same which caused most of the attempted works of internal improvement in the twenties and thirties.

In fact the Kansas Populist seems to be merely recapitulating the historic development of the Nation. He is trying to apply old remedies to new conditions. He is fighting against the conditions that the developing industrial life impose, and is trying to get back to the simple days of a less complex life. In reality Populism represents the last determined stand of individualism, against a complex civilization in which the rights of the individual are submerged in those of society.

-o-

*Dr. Turner's Lectures in Social and Economic History of U. S. McMaster's History of the American People, Vol. IV.

CHAPTER VII.

EFFECTS OF POPULISM ON KANSAS.

It is probably an old, deep seated instinct of the race which causes the great majority of people to look with distrust on the new and untried. At any rate many of the inhabitants of the East have always looked upon the newer states in this way. The West is to them a place where any thing can happen. Probably no other western state has such a reputation for radicalness and inconsistency as Kansas.

The Populist party added much to this already existing impression. The movement gave two or three unique characters the opportunity of publishing their excentricities, in such a way as to convey the impression that they represented the ideas and sentiments of the state. The demand for universal suffrage; the false statements about the wretched condition of the agriculture class; and the attacks on the courts and state institutions all took dignity from the state and made it a subject for the cartoonist. But this would have mattered little to its inhabitants had not the movement injured the state's business credit.

The newspaper reports and declarations of politicians that the people could not pay their debts, with the exaggerated

statements concerning the number of mortgages, caused people to hesitate about lending money. The talk about the rights of the user being paramount to the rights of the owner made creditors uneasy. These things taken with the fraudulent transactions of the loan companies did much to impair the credit of the state. As a result we find in the papers throughout the country such statements as this: "The hostility and spiteful policy of Kansas politicians and behind them the Granges, Farmer's Alliances and Populists, towards every occupation except farming, and the amazing dishonesty with which all creditors and investors in railroad and other property have been treated in that state, have more to do with the ill success of its farmers than its best informed citizens imagine."*

Not only was her business credit injured but the industrial development was somewhat retarded, for capitalists prefer to invest where there is little probability of radical change in the laws.

The Populist legislature really played only a small part in shaking the faith of investors, but there were many wild bills introduced, which gave an appearance of fulfilling the promises of the press and politicians. An extract from the Topeka Capital well represents the part that the legislature was supposed to be taking. "While men are economizing and

putting forth all their energies to meet their obligations, making almost supreme exertions to pull through these trying times, the legislature is devising every conceivable sort of law, to nullify their efforts, and to destroy the hope of restoring business credit" * * * . But these external effects were of short duration,^o for "The legislatures of Illinois, Indiana and New York prove no more conservative in the laws proposed for the management of business affairs than the Kansas legislature. There appears to be an epidemic affecting the East as well as the South and West. If Kansas was a little more picturesque in the bills presented she has been no less conservative in the laws passed than these other states."^g

But the Populist legislature had internal effects that were far reaching and more permanent. Financially they greatly improved the banking law,[@] and placed the insurance companies on a business basis. They began the weeding out of unreliable companies and the work has been vigorously followed up by the Republicans. With a great sound of trumpets they lowered insurance rates slightly, thus beginning a work which the Republicans continued.

-o-

*Topeka Capital, Feb. 12, 1897. ^oTopeka Capital, May 18, 1899.
^gTopeka Capital, Mch. 19, 1897. Journals of states mentioned.
[@]Since 1894 the deposits of every state bank have been paid within a year. This record has not been equaled by any other state in the Union. The total number of suspended banks in the past two years (1895 & 1896) has been fifteen, and the total losses were less than 1 per cent of the deposits.
Topeka Capital, Jan. 12, 1897.

In their great anxiety to tax all capital the Populists set aside certain sources for the state, as insurance, express, telegraph and telephone companies, In this way beginning a more scientific system of taxation.

The effects of Populist legislation was without doubt detrimental on education. It seriously retarded the developement of the University and Normal School by limiting their finances, While the Agriculture College was dragged into politics and a strong faculty replaced by a weak one. Even the country schools suffered from the text books which theywere compelled to use.

The New York Commercial Advertiser of March 16, 1897 says: "Kansas has been luridly pictured far and wide by Populism as a land where none were rich and every one was sinking deeper into the quicksands of debt." Then it quotes the results of investigations which were based upon the reports from Registers of Deeds in thirty-eight counties. These investigations show that 45 per cent of the mortgages in those counties were paid between 1890 and 1897. It is not at all improbable that hte Populist agitation against the money power, made the people more determined to free themselves from the dreaded monster, and thus greatly increased the payment of debts.* Such negative aid was the only beneficent influence that Populism had on mortgages.

After the Populists had so bitterly denounced all political methods used by the old parties we would naturally expect to find their legislature a model of fair play and honesty. But alas he who approaches Populist legislation with such expectations is doomed to disappointment. The very first act of the Populists in the lower House of 1893 (which we have already discussed) was to attempt to organize and decide contests enough to give them a majority.* The Senate sanctioned this conduct. The following is an extract from resolutions passed by a mass meeting of Populist Senators and state officers. "Resolved that we indorse and applaud the glorious action of our Representatives and urge them if not recognized by the Govenor, to say to him as Mirabeau did to his men, when the monarch refused to recognize the French assembly of the people. "Slave go tell your master we are here by the will of the people and we shall disperse only at the point of the bayonet."° But it was not necessary to send such word to the Govenor, for he sent his message to the Populist House. After the Supreme Court of Kansas decided which was the legal organization, the Populists said they would carry it to the people for decision. The people decided that the Populists should stay at home for the next two years.

In 1897 the Populists had full control and every opportunity to show the world how pure legislation is carried on.

Near the close of the session the important bills were still pending the third reading, while all went to dinner except Mr. Tapscott and the clerk the bills were read and the Populists returned and passed thirteen of them. The railroad bill of 1898 was rushed through without allowing it to be debated. When local bills were before the House the Populists found out who introduced them and if it was a Republican the bill was defeated. After the Republican victory of 1898 an attempt was made to continue control state offices. In the extra session a bill was introduced which provided for the continuing of a large number of Populists in office. Through the efforts of Senators Hanna and Lewelling it was defeated.

Of course these were political practices and not necessarily corrupt, so we might still look for purity . But there is a disappointment awaiting such a searcher as we shall see from Populists' own statements. On March the eighth 1897 Senator Juniper said he had been offered \$1000 to vote for the Harris stockyard bill. Senator Titus had refused a similar offer for his vote. Another senator stated that some of the members had been bought.* An investigation followed these statements and the would be briber was convicted. He was punished by not being permitted to enter the state house again during the session.°

A resolution was adopted providing for an investigation

of the charges of corruption. It was charged that money had defeated the maximum freight bill. In the debate on this resolution one Populist Senator said that the legislature had been the most corrupt legislature since the days of Pomeroy.* Senator Hemlic opposed the resolution, saying: "In my six years legislative experience I have seen \$150000 spent in investigations, with the result that one regent of the University was discharged and Governor Leedy has reappointed him." The investigation was prosecuted but no one convicted.°

The Populists opened the eyes of the public by their attacks on politicians and political practices, then they illustrated how such things are really done. But who would say that the effect of Populism on politics was not beneficial after all. Mr. White says: "For the first time in the history of the Republican organization of this state, it made an honest fight on an issue(in 1896), the straddling issue men are gone and for the first time since the Civil War honest patriotism is doing business in Kansas politics. * * * Kansas has been cleansed by fire and the cleansing seems thorough."✓

One deceit of the Populist legislature rendered the state a service. Several of the laws promised by the Populists had been passed by the legislature of 1895. This seemed to be robbing the Populists of glory, so they amended the

statutes. The amendment in most cases consisted in putting the old law in more concise language. It was principally the literary form that was amended. A number of the laws of 1893 were taken through the same process.*

Among people little versed in law, there is often a feeling that courts distort the meaning of statutes which are plainly stated, for this reason the agricultural and laboring classes often suspect and dislike courts. The Supreme Court of Kansas decided the Douglas House the legal organization, this the Populists said, was a partisan decision. The Federal Court declared the anti-script law unconstitutional, and some of the courts held the anti-screen law illegal, both violated the right to contract. These decisions were said to show that the courts favored the rich and powerful.

The Amazon Irrigation Ditch Company had been formed to furnish water for farmers along the Arkansas river. Farmers having land bordering the river thought they might have irrigation systems of their own. This was carried to such an extent as to greatly injure the companies business. Suit was brought and the Federal Court decided that the company had the right to the water for irrigation purposes. This decision only strengthened the conviction that courts favor corporations. As a result attempts were made to limit the powers of the courts. Bills were introduced to bring all cases before

juries and the law passed provided that cases of indirect contempt of court should be decided by jury.*

Over fifty bills were introduced in 1897 providing for changes in the code of civil procedure..One act passed, which made the conditions under which a receiver might be appointed more definite and provided that receivers should be appointed by the state courts.

After a little experimenting with incompetent judges, the people concluded that the farmer lawyer was neither one or the other, and that they preferred the real lawyers as judges. Besides their own Attorney General agreed with the courts that the alien non-ownership law was illegal^o and Chief Justice Doster one of the most radical of all Populists, held the taxation of judgments unconstitutional. ϕ There could be no claim that these were partisan decisions. Nor was the decision of the stockyards case one to support the idea that courts are always partial to corporations. The people came to recognize that integrity and legal ability are essential requisites for judges and legislators. As a result of their experiments a healthy respect for courts began to take the place of antagonism.

While the Populist legislatures had no great direct influence on the state, they had a marked indirect influence. Nearly every reasonable law they demanded has been enacted.

*Session Laws 1897, Chap. 106. ^oTopeka Capital, Oct. 3, 1898.
 ϕ Topeka Capital, Oct. 3, 1898. Kansas City Star, same date.

The legislature of 1895 passed the following laws that Populists had promised: Gambling and Lottery laws, a statute pertaining to the health of miners, gave municipalities the right to own public utilities, established a court of appeals, exempted life insurance policies from legal processes, established an irrigation commission, and prohibited city officers from granting franchises to city railways without the written consent of property holders. The legislature of 1899 passed a Primary Election law, made reforms in taxation and established a binding twine factory at the penitentiary. It was a great benefit to the state that these laws should have been passed by the more conservative party.

Populist legislation had three distinct effects on Kansas. First, it made the people realize that the kind of government a state has depends on the people and not the politicians. Second, it showed that legislation cannot correct all social and economic evils, but directly and principally indirectly the Populists brought about a considerable body of good social and economic law. Third, it directly and indirectly purified politics. But the external effects of Populism were for a time at least detrimental. There are Populists today and probably will be for some time, but they are not the same kind of Populists as those of the nineties. Their issues are gone, their mission is performed. They called

attention to changes essential for the best developement of the state. They made errors and left broken promises but they left the state stronger, purer and better.

BIBLIOGRAPHY.

--o--

I. Original Sources.

Journals of the Senate and House of the Kansas Legislature, 1889, 1891, 1893, 1895, 1897, 1898, 1899, 1901.

Journals of the Legislatures of Ohio, Illinois, New York, and Nebraska for 1897.

Report of the Auditor of State from 1888-1900.

Reports of Bank Commissioner from 1890-1900.

Reports of Commissioner of Education 1888-1900.

Reports of Insurance Commissioner from 1888-1900.

Reports of Labor Commissioner from 1888-1900.

Reports of Railroad Commissioner from 1884-1900.

Reports of Secretary of State from 1888-1900.

Reports of State Treasurer from 1888-1900.

Revised Statutes of 1889.

Session Laws of Kansas 1889, 1891, 1893, 1895, 1897, 1898, 1899.

II. Secondary Sources.

Adams, H. C., Finance.

Adams, H. C., Public Debts.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

—

Adams, Henry, History of the United States.

Bellamy, E., Looking Backward.

Bentley, A. F., The Condition of the Western Farmer
as Illustrated in the History of a
Nebraska Township. Johns Hopkins Studies

Cargill, John A., A Freak in Finance.

Debs, Eugene, The Commonwealth of Cooperation.

Ely, Richard T., Taxation in American States and
Cities.

Ely, Richard T., Socialism and Social Reforms.

Grier, John A., Our Silver Coinage.

Gunn, Otis B., Bullion versus Coin.

Nelson,----- The Money We Need.

Seligman, E. R. A., Public Finance.

Waldron, George B., Hand Book on Currency and Wealth.

III. Periodicals.

Arena, Vol. VI: 590, Farmer's Alliance and Some of
Its Leaders.

Atlantic Monthly, April and September, 1897,
Problems of the West.

Century, Vol. ^{XXI}VI: 21, Discontent of the Farmers.

Century, Vol. XXI: 780, Farmers and Railroad Leg-
islation.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

.

Forum, Vol. VIII: 464, Defensive Movements of the
Farmers.

Forum, Vol. X: 315, Defensive Movements of the
Farmers.

Forum, Vol. XVI: 251, Western Unrest.

Nation, Vol. LVII: 460, Farmers Condition in the
United States.

Political Science Quarterly, September, 1899,
Farm Mortgages and the Small Farmer.

Public Opinion, Vol. X: 170, Farmer's Alliance as a
Third Party.

Public Opinion, Vol. IX: 159, Farmers, Railroads
and Mortgages.

Public Opinion, Vol. XV: 286, Farmer's Indebtedness.

Public Opinion, Vol. XVI: 376, Farm Mortgages.

Studies in Economics, Vol. I: Part III.

The Populist Movement.

IV. Newspapers.

Appeal to Reason, Kansas City, 1893-4(Socialist)

Brown County World, Hiawatha, 1894-98,(Republican)

Chicago Tribune, 1893-98.

Concordia Populist, 1897.

Council Grove Republican, 1900. (Republican)

Emporia Times, 1897-99. (Populist)

Kansas Democrat, Hiawatha, 1894-99. (Populist)
Kansas City Journal, 1890-99. (Republican)
Kansas City Star, 1894-99. (Non Partisan)
Kingman Journal, 1890-95. (Populist Radical)
Kingman Leader Courier, 1888-1900. (Radical Rep.)
Lawrence Jefferson, 1898. (Populist)
New York Commercial Advertiser, 1897-99.
New York Times, 1888-1900.
New York Tribune, 1889-1900.
Omaha Bee, 1894-99.
Rice County Eagle, Lyons, Kan. 1895-98. (Radical Pop)
St. Louis Republic, 1893-4.
The Star and Kansas, Independence, 1892-99.
(Radical Populist)
Topeka Advocate, 1892-99. (Official Populist Paper)
Topeka Capital, 1892-1900. (Conservative Republican)
(Gives the most complete reports of any of the
periodicals.)
Wellington Voice, 1897. (Conservative Pop.)
Wichita Eagle, 1888-98. (Radical Republican)

APPROVED BY Carl Russell Fish

Frederick J. Turner

Recommended for special honors

Charles H. Haskins }
Victor Toffin } Co-sponsors

89090090432



B89090090432A

